

## **REMARKS/ARGUMENTS**

### **Attorney Docket Number**

Applicant respectfully requests that the Attorney Docket Number for the present case be changed from "3295-0024-0CONT" to "OHI 1717-096." Applicant also respectfully requests that the Examiner use this new docket number in all future correspondence relating to the present application.

### **In the Claims:**

#### **Rejection of Claims Under 35 U.S.C. § 112**

The Examiner rejected claims 75-78, 80, 85, 88, 89, 92-94, 96, 99, 102, 103, 106, 107, 110, 111, 114, 115, 118-121 and 124-165 under 35 U.S.C. § 112, first paragraph, as containing subject matter that was not adequately described in the specification. More specifically, the Examiner asserts that the ability of the polymeric cushioning material to form an air-tight seal with an amputation stump is not supported by the original disclosure. Applicant has removed this language from the claims, and has substituted instead the language "a polymeric cushioning gel that substantially conforms to the shape of said amputation stump when said liner is worn ..." Support for this amendment can be found throughout the specification of the present application. For example, said language is supported at least by page 6, lines 19-21; page 8, lines 19-22; page 12, lines 17-19; page 14, lines 11-16; page 17, lines 3-12 and 19-23; and page 24, lines 20-27 of the present application.

From the foregoing remarks, it can be understood that there is support for the present claim language. As such, Applicant respectfully submits that the Examiner's 35 U.S.C. § 112 rejection is now moot and, therefore, may be properly withdrawn.

Although Applicant has deleted the "capable of forming an airtight seal" language from the claims, Applicant feels it is still prudent to address one of the Examiner's assertions relating thereto. More particularly, the Examiner previously inferred that because the cushion liner may be designed in a recessed Achilles fashion (i.e., the cushioning material may be thinned or absent in an area corresponding to the rear of the amputees knee) or the cushioning material may be tapered or feathered as the open end is approached, it is not possible for the polymeric material to form an air-tight seal with an amputation stump. It appears that the Examiner may misunderstand what is described by these constructions. In the former construction, only a small section of the polymeric material is removed from the liner, or thinned. (See Fig. 7a). This section corresponds, in position to the crease behind an amputees knee and helps reduce binding when the liner is worn. However, this recessed Achilles configuration does not prevent the polymeric material from forming an air-tight seal with the amputation stump, because the remainder of the polymeric material between the recessed Achilles area and the distal end of the liner is still present. Similarly, the latter embodiment does not prevent the polymeric material from forming an air-tight seal with the amputation stump because the remainder of the polymeric material between the tapered or feathered area and the distal end of the liner is still present, and because the tapered or feathered area will still be in contact with the skin due to its flexible nature. (See Fig. 6). As such,

these constructions also do not prevent the gel material from substantially conforming to the shape of the amputation stump when the liner is worn.

### CONCLUSION

Applicant has amended the claims to more specifically describe the nature of the liner recited therein. Applicant has also provided ample references to the original disclosure that support the ability of the polymeric cushioning gel to substantially conform to the shape of an amputation stump when said liner is worn.

Therefore, Applicant respectfully submits that the present application is now in condition for allowance, and entry of the present amendment and allowance of the application as amended is earnestly requested.

Telephone inquiry to the undersigned in order to clarify or otherwise expedite prosecution of the present application is respectfully encouraged.

Respectfully submitted,

Date: 12-11-05

By: \_\_\_\_\_



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